contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553, (1978).*

Also, environmental objections that could be raised at the draft environmental impact statement stage but are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 f.2d 1016, 1022, (9th Cir. 1986) and *Wisconsin Heritages, Inc.,* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980).

Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the Draft EIS comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed actions, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

The responsible official for the decision is Abigail R. Kimbell, Stikine Area Forest Supervisor, Petersburg, Alaska.

Written comments and suggestions concerning the analysis and Environmental Impact Statement should be sent to Jim Thompson, ID Team Leader, P.O. Box 1328, Petersburg, AK, 99833, (907) 772–3871.

Dated: January 12, 1995.

Abigail R. Kimbell,

Forest Supervisor.

[FR Doc. 95–2027 Filed 1–26–95; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–809]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Small Diameter Circular Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Argentina

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: January 27, 1995.

FOR FURTHER INFORMATION CONTACT: Irene Darzenta or Kate Johnson, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–6320 or (202) 482–4929.

Preliminary Determination

The Department of Commerce (the Department) preliminarily determines that small diameter circular seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from Argentina is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

Since the notice of initiation on July 13, 1994 (59 FR 37025, July 20, 1994), the following events have occurred.

On July 18, 1994, Siderca Corporation of Houston, Texas, an importer of the subject merchandise from Argentina, challenged the standing of petitioner for a considerable portion of the subject merchandise on the ground that petitioner is not an ''interested party.'' On September 1, 1994, Siderca submitted a letter clarifying its July 18, 1994, submission.

On August 8, 1994, the U.S. International Trade Commission (ITC) issued an affirmative preliminary injury determination (USITC Publication 2734, August 1994).

On August 19, 1994, we sent a questionnaire to Siderca S.A.I.C. (Siderca), the only named respondent in this investigation. On September 12, 1994, Siderca informed the Department that it would not be responding to the questionnaire.

On October 21 and 31, 1994, (respectively) both petitioner and respondent provided comment and rebuttal on the issue of class or kind of merchandise [1] in response to the Department's request for comments in the notice of initiation. Petitioner submitted additional comments on November 17, 1994.

On October 27, 1994, the Department received a request from petitioner to postpone the preliminary determination until January 19, 1995. On November 18, 1994, we published in the **Federal Register** (59 FR 59748), a notice announcing the postponement of the preliminary determination until not later than January 19, 1995, pursuant to petitioner's request, in accordance with 19 C.F.R. 353.15 (c) and (d).

Scope of Investigation

For purposes of this investigation, seamless pipes are seamless carbon and alloy (other than stainless) steel pipes, of circular cross-section, not more than 114.3mm (4.5 inches) in outside diameter, regardless of wall thickness, manufacturing process (hot-finished or cold-drawn), end finish (plain end, bevelled end, upset end, threaded, or threaded and coupled), or surface finish. These pipes are commonly known as standard pipe, line pipe or pressure pipe, depending upon the application. They may also be used in structural applications.

The seamless pipes subject to these investigations are currently classifiable under subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States (HTSUS).

The following information further defines the scope of this investigation, which covers pipes meeting the physical parameters described above:

Specifications, Characteristics and Uses: Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the American

[1] In its October 21, 1994, submission, respondent argued that the subject merchandise constitutes two classes or kind of merchandise—less than or equal to 2 inches and greater than 2 inches. Based on this allegation, it contended that the petitioner lacked standing to initiate an investigation with regard to seamless pipe and tube between 2⅜ and 4.5 inches in outside diameter because it does not produce such merchandise. (*See* ''Standing'' section of this notice.)

Society for Testing and Materials (ASTM) standard A–106 may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers (ASME) code stress levels. Alloy pipes made to ASTM standard A–335 must be used if temperatures and stress levels exceed those allowed for A–106 and the ASME codes. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A–106 standard.

Seamless standard pipes are most commonly produced to the ASTM A–53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification.

Seamless pipes are commonly produced and certified to meet ASTM A–106, ASTM A–53 and API 5L specifications. Such triple certification of pipes is common because all pipes meeting the stringent A–106 specification necessarily meet the API 5L and ASTM A–53 specifications. Pipes meeting the API 5L specification necessarily meet the ASTM A–53 specification. However, pipes meeting the A–53 or API 5L specifications do not necessarily meet the A–106 specification. To avoid maintaining separate production runs and separate inventories, manufacturers triple certify the pipes. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A–106 pressure pipes and triple certified pipes is in pressure piping systems by refineries, petrochemical plants and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However, A–106 pipes may be used in some boiler applications.

The scope of this investigation includes all multiple-stenciled seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, whether or not also certified to a non-covered specification. Standard, line and pressure applications are defining characteristics of the scope of this investigation. Therefore, seamless pipes meeting the physical description above, but not produced to the A–106, A–53, or API 5L standards shall be covered if used in an A–106, A–335, A–53, or API 5L application.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in A–106 applications. These specifications include A–162, A–192, A–210, A–333, and A–524. When such pipes are used in a standard, line or pressure pipe application, such products are covered by the scope of this investigation.

Specifically excluded from this investigation are boiler tubing, mechanical tubing and oil country tubular goods except when used in a standard, line or pressure pipe application. Also excluded from this investigation are redraw hollows for cold-drawing when used in the production of cold-drawn pipe or tube.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Scope Issues

In our notice of initiation we identified two issues which we intended to consider further. The first issue was whether to consider end-use a factor in defining the scope of these investigations.[2] The second issue was whether the seamless pipe subject to this investigation constitutes more than one class or kind of merchandise. In addition to these two issues, interested parties have raised a number of other issues regarding whether certain products should be excluded from the scope of this investigation. These issues are discussed below.

Regarding the end-use issue, interested parties have submitted arguments about whether end-use should be maintained as a scope criterion in this investigation. After carefully considering these arguments, we have determined that, for purposes of this preliminary determination, we will continue to include end-use as a scope criterion. We agree with petitioner that pipe products identified as potential substitutes used in the same applications as products meeting the requisite ASTM specifications may fall within the same class or kind, and within the scope of any order issued in this investigation. However, we are well aware of the difficulties involved with requiring end-use certifications, particularly the burdens placed on the Department, the U.S. Customs Service, and the parties. We will strive to simplify any procedures used in this regard. We will, therefore, carefully consider any comment on this issue for purposes of our final determination.

Regarding the class or kind issue, although respondents propose dividing the scope of this investigation into two classes or kinds of merchandise, they do not agree on the merchandise characteristics that will define the two classes. The respondent in this investigation argues that the scope should be divided into two classes or kinds of merchandise based on size. The respondents in the Brazilian and German investigations argue that the scope should be divided into two classes or kinds based on the material composition of the pipe—carbon versus alloy. Petitioner maintains that the subject merchandise constitutes a single class or kind.

We have considered the class or kind comments of the interested parties and have analyzed this issue based on the criteria set forth by the Court of International Trade in *Diversified Products* v. *United States,* 6 CIT 155, 572 F. Supp. 883 (1983). These criteria are as follows: (1) The general physical characteristics of the merchandise; (2) the ultimate use of the merchandise; (3) the expectations of the ultimate purchasers; (4) the channels of trade; and (5) cost.

We note that certain differences exist between the physical characteristics of the various products (*e.g.,* size, composition). In addition, there appear to be cost differences between the various products. However, the information on record is not sufficient to justify dividing the class or kind of merchandise. The record on ultimate use of the merchandise and the expectations of the ultimate purchasers indicates that there is a strong possibility that there may be overlapping uses because any one of the various products in question may be used in different applications (*e.g.,* line and pressure pipe). Also, based upon the evidence currently on the record, we determine that the similarities in the distribution channels used for each of

[2] Various parties in this investigation, as well as in the concurrent investigations involving the same product from Argentina, Italy, and Germany have raised issues and made arguments. For purposes of simplicity and consistency across investigations, we will discuss all of these issues in this notice.

the proposed classes of merchandise outweigh any differences in the distribution channels.

In conclusion, while we recognize that certain differences exist between the products in the proposed class or kind of merchandise, we find that the similarities are more significant. Therefore, for purposes of this preliminary determination, we will continue to consider the scope as covering one class or kind of merchandise. This preliminary decision is consistent with past cases concerning steel pipe products. (*See e.g., Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe From Brazil* et. al., 57 FR 42940, September 17, 1992). However, a number of issues with respect to class or kind remain to be clarified. We will provide the parties with another opportunity to submit additional information and argument for the final determination. For a complete discussion of the parties' comments, as well as the Department's analysis, see memorandum from Gary Taverman, Acting Director, Office of Antidumping Investigations to Barbara Stafford, Deputy Assistant Secretary for Investigations, dated January 19, 1995.

Regarding the additional issues concerning exclusion of certain products, one party requests that the Department specify that multiple-stencilled seamless pipe stencilled to non-subject standards is not covered. Furthermore, this party argues that the scope language should be clarified so that it specifically states that only standard, line, and pressure pipe stencilled to the ASTM A–106, ASTM A–53 or API–5L standards are included, and that we clarify the meaning of ''mechanical tubing.'' In addition, this party requests that the Department exclude unfinished oil country tubular goods, ASTM A–519 pipe (a type of mechanical tubing) and mechanical tube made to customer specifications from the scope of this investigation.

Another party requests that the Department specifically exclude hollow seamless steel products produced in non-pipe sizes (known in the steel industry as tubes), from the scope of this investigation.

Because we currently have insufficient evidence to make a determination regarding these requests, we are not yet in a position to address these concerns. Therefore, for purposes of this preliminary determination, we will not exclude these products from the scope of this investigation. Once again, we will collect additional information and consider additional argument before the final determination.

Period of Investigation

The period of investigation is January 1, 1994 through June 30, 1994.

Standing

Siderca has challenged petitioner's standing with respect to seamless pipe and tube between 2⅜ and 4.5 inches in outside diameter. An interested party as defined, inter alia, in 353.2(k)(3) has standing to file a petition. (See 19 C.F.R. 353.12(a).) Further, section 353.2(k)(3) defines an interested party as a producer of the like product. In this investigation, the ITC has determined that there is a single like product. (*See* USITC Publication 2734, August 1994.) For purposes of determining standing, we have preliminarily accepted the ITC's determination that the merchandise subject to this investigation constitutes a single like product consisting of circular seamless carbon and alloy steel standard, line and pressure pipe, and tubes not more than 4.5 inches in outside diameter, and including redraw hollows (*See* USITC Publication 2734 at 18.) Therefore, because petitioner is a producer of the like product, we preliminarily determine that the petitioner has standing.

Best Information Available

In accordance with section 776(c) of the Act, we have determined that the use of best information available (BIA) is appropriate for Siderca, the only named respondent in this investigation. On September 12, 1994, as stated above, Siderca notified the Department that it would not participate in this investigation. Because Siderca refused to answer the Department's questionnaire, we find it has not cooperated in this investigation.

The Department's BIA methodology for uncooperative respondents is to assign the higher of the highest margin alleged in the petition or the highest rate calculated for another respondent. Accordingly, because there are no other respondents in this investigation, as BIA, we are assigning the highest margin among the margins alleged in the petition. *See Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany; Final Results of Antidumping Duty Administrative Review* (56 FR 31692, 31704, July 11, 1991). The Department's methodology for assigning BIA has been upheld by the U.S. Court of Appeals of the Federal Circuit. *See Allied Signal Aerospace Co.* v. *United States,* 996 F.2d 1185 (Fed. Cir. 1993); *see also Krupp Stahl, AG et al.* v. *United States,* 822 F. Supp. 789 (CIT 1993).

Suspension of Liquidation

In accordance with section 733(d)(1) (19 U.S.C. 1673b(d)(1)) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of seamless pipe from Argentina, as defined in the ''Scope of Investigation'' section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated margin amount by which the foreign market value of the subject merchandise exceeds the United States price as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Weighted average margin percent
Siderca S.A.I.C.	108.13
All Others	108.13

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry, before the later of 120 days after the date of the preliminary determination or 45 days after our final determination.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments must be submitted, in at least ten copies, to the Assistant Secretary for Import Administration no later than March 10, 1995, and rebuttal briefs no later than March 15, 1995. In addition, a public version and five copies should be submitted by the appropriate date if the submission contains business proprietary information. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held, if requested, at 9:00 a.m. on March 17, 1995, at the U.S. Department of Commerce, Room 1414, 14th Street and Constitution Avenue NW., Washington DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing must submit a written request

to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B–099 within ten days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentation will be limited to arguments raised in the briefs.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)) and 19 CFR 353.15(a)(4).

Dated: January 19, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–2107 Filed 1–26–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–351–826]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Small Diameter Circular Seamless Carbon and Alloy Steel, Standard, Line and Pressure Pipe From Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: January 27, 1995.

FOR FURTHER INFORMATION CONTACT: Irene Darzenta or Fabian Rivelis, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–6320 or 482–3853, respectively.

PRELIMINARY DETERMINATION: The Department of Commerce (the Department) preliminarily determines that small diameter circular seamless carbon and alloy steel, standard, line and pressure pipe from Brazil (seamless pipe) is being sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

Since the notice of initiation on July 13, 1994 (59 FR 37025, July 20, 1994), the following events have occurred.

On August 8, 1994, the U.S. International Trade Commission (ITC) issued an affirmative preliminary injury determination (USITC Publication 2734, August 1994).

On August 11, 1994, we sent a cable to the U.S. Embassy in Brazil requesting information for purposes of respondent selection. Based on the information provided by the Embassy, as well as by petitioner, we identified as the two producers of subject merchandise in Brazil Mannesmann S.A. and NCS Siderurgica. On August 19, 1994, we named Mannesmann S.A. (MSA) as a mandatory respondent in this investigation and issued to it an antidumping questionnaire. Also on the same date, we sent an antidumping survey to NCS Siderurgica in order to determine whether it should be required to respond to a full questionnaire. Although NCS Siderurgica did not respond to the survey, based on information obtained from Iron and Steel Works of the World and petitioner's claim that MSA produced all of the subject merchandise exported from Brazil to the United States during the last 12 months prior to the filing of the petition, we determined that MSA would be the sole mandatory respondent in this investigation.

On October 21, 1994, we received comments on the issues of scope and class or kind of merchandise from interested parties, pursuant to the Department's invitation for such comments in its notice of initiation. On October 31 and November 17, 1994, we received rebuttal comments on this issue.

On September 12, 1994, we received from MSA a response to Section A of the Department's questionnaire. Responses to Sections B and C were submitted on October 14, 1994. On October 11, and November 3, 1994, we received petitioner's comments regarding MSA's responses to Sections A, B, and C. We sent MSA a supplemental questionnaire on November 18, 1994. MSA submitted its supplemental response, including revised sales listings, on December 9, 1994.

On October 27, 1994, the Department received a request from petitioner to postpone the preliminary determination until January 19, 1995. On November 18, 1994, we published in the **Federal Register** (59 FR 59748), a notice announcing the postponement of the preliminary determination until not later than January 19, 1995, in accordance with 19 C.F.R. 353.15 (c) and (d).

On January 4, 1995, respondent notified the Department of certain revisions to be made to its December 9, 1994, sales listings because of certain programming errors and inconsistencies concerning sale dates, grade codes and differences-in-merchandise data.

On January 9, 1995, petitioner submitted comments regarding the quality of MSA's responses, urging the Department to reject the responses and use best information available (BIA) in the preliminary determination because of the numerous deficiencies contained in these responses.

Scope of Investigation

For purposes of this investigation, seamless pipes are seamless carbon and alloy (other than stainless) steel pipes, of circular cross-section, not more than 114.3 mm (4.5 inches) in outside diameter, regardless of wall thickness, manufacturing process (hot-finished or cold-drawn), end finish (plain end, bevelled end, upset end, threaded, or threaded and coupled), or surface finish. These pipes are commonly known as standard pipe, line pipe or pressure pipe, depending upon the application. They may also be used in structural applications.

The seamless pipes subject to these investigations are currently classifiable under subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States (HTSUS).

The following information further defines the scope of this investigation, which covers pipes meeting the physical parameters described above:

Specifications, Characteristics and Uses: Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the American Society for Testing and Materials (ASTM) standard A–106 may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers (ASME) code stress levels. Alloy pipes made to ASTM standard A–335 must be used if temperatures and stress levels exceed those allowed for A–106 and the ASME codes. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A–106 standard.

Seamless standard pipes are most commonly produced to the ASTM A–53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units,